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the one whose rights are, by the notice, made to depend, and must be so strong and clear as to show mala fides.

[Ed. Note.—For other cases, see Notice, Cent. Dig. §§ 39, 40; Dec. Dig. § 14.* 10 Va.-W. Va. Enc. Dig. 492; 14 Va.-W. Va. Enc. Dig. 785; 15 Va.-W. Va. Enc. Dig. 744.]

3. Logs and Logging (§ 2*)—Sale of Timber Land—Notice—Sufficiency of Evidence.—In an action by the grantee of standing timber to enjoin a grantee of the land from interfering with the cutting of the timber, evidence held to show that the grantee of the land had notice of the sale of the timber before his purchase, though the conveyance of the timber was not recorded.

[Ed. Note.—For other cases, see Logs and Logging, Cent. Dig. §§ 1-5; Dec. Dig. § 2.* 13 Va.-W. Va. Enc. Dig. 220; 14 Va.-W. Va. Enc. Dig. 1024; 15 Va.-W. Va. Enc. Dig. 1006.]

Appeal from Circuit Court, Southampton County.

Action by V. D. Thorp against W. T. Carter and others. Judgment for plaintiff, and defendants appeal. Affirmed.

R. W. Withers, of Lexington, Va., for appellants.

John N. Sebrell, Jr., of Norfolk, for appellee.

ROACH *v.* SOUTHERN RY. CO.

Jan. 16, 1913.

[76 S. E. 953.]

New Trial (§ 70*)—Setting Aside Verdict—Sufficiency of Evidence.—Where a case has been properly submitted, and there is no suggestion of misconduct in arriving at a verdict, the court ought not to disturb it unless there has been a plain departure from right and justice, and never in a doubtful case, and, where the evidence on behalf of the plaintiff was ample to sustain a verdict for him, it should not be disturbed by the trial court.

[Ed. Note.—For other cases, see New Trial, Cent. Dig. §§ 142, 143; Dec. Dig. § 70.* 10 Va.-W. Va. Enc. Dig. 454.]

Error to Circuit Court, Pittsylvania County.

Action by John C. Roach against the Southern Railway Company. Judgment in a former trial for plaintiff, and, from a formal judgment for defendant in the second trial, plaintiff brings error. Reversed, and judgment entered for plaintiff on the first verdict.

Lee & Kemp, of Lynchburg, for plaintiff in error.

Wm. Leigh, of Danville, for defendant in error.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.